

SECOND DAY

(Continued)

(Tuesday, February 7, 1950)

After Recess

The Senate met at 11:00 o'clock a.m. and was called to order by Senator Aikin.

Leaves of Absence Granted

Senator Hardeman was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Carney was granted leave of absence for today on account of a death in the family on motion of Senator Morris.

Senator Phillips was granted leave of absence for today on account of important business on motion of Senator Proffer.

Senate Resolution 12

Senator Proffer offered the following resolution:

Whereas, There is visiting in the city Miss Mary Evelyn Blagg, professor of government at North Texas State College; and

Whereas, Miss Blagg is visiting in our capitol in order that she may observe the operation of the Legislative bodies; and

Whereas, Such first-hand information may improve the quality of instruction in her government classes; now, therefore, be it

Resolved, By the Senate, that Miss Blagg be extended the privileges of the floor for the day; and be it further

Resolved, That a copy of this resolution be presented to Miss Blagg in official recognition of her visit to this body.

The resolution was read and was adopted.

Senate Resolution 13

Senator Proffer offered the following resolution:

Whereas, There was born on February 2, 1950, a baby boy, Jim Rudolph, unto Senator and Mrs. Ottis Lock of Lufkin; and

Whereas, This handsome young man inherently possesses the potential fine qualities of statesmanship, poise, and intelligence so becoming the son of a distinguished father; and

Whereas, This most fortunate young man likewise possesses the charm and beauty which is characteristic of his lovely mother; and

Whereas, This event is recognized by the members of this Legislative body as an event deserving of special recognition; now, therefore, be it

Resolved, That the Senate of Texas designate this handsome young gentleman, Jim Rudolph Lock, as a special mascot of the First Called Session of the Fifty-first Legislature; and be it further

Resolved, That Jim Rudolph Lock's photograph be placed on the Senate panel if and when such is made.

The resolution was read and was adopted.

Senate Concurrent Resolution 4

Senator Bell, by unanimous consent, offered the following resolution:

S. C. R. No. 4, Granting to C. E. Stubblefield and Roy I. Stubblefield permission to sue the State of Texas.

Whereas, The State of Texas is claiming the title to Atascosa Lagoon lying in the Polito Castillo and Alejo Perez Grants, Victoria County, Texas, the Commissioner of the General Land Office having executed an oil and gas lease thereon under date of December 17, 1948, and

Whereas, C. E. Stubblefield and Roy I. Stubblefield are also claiming title to all or some portion of the said Atascosa Lagoon by virtue of alleged ownership of Lots 32 and 33 of the Burton, Wharton and Wilson Subdivision of the said Castillo and Perez Grants; and

Whereas, It is to the best interest of the State of Texas, on the one hand, and C. E. Stubblefield and Roy I. Stubblefield, on the other, to determine their respective interests in and to Atascosa Lagoon and to do so it is necessary that permission to sue the State be given C. E. Stubblefield and Roy I. Stubblefield; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that C. E. Stubblefield and Roy I. Stubblefield, their heirs, devisees, and assigns, be and they are hereby granted permission to sue the State of Texas, for the title and possession of that portion of Atascosa Lagoon which may lie within or conflict with Lots 32 and 33, Burton, Wharton and Wilson Subdivision of

the Polito Castillo and Alejo Perez Grants, Victoria County, Texas. The service of citation or other process may be had upon the Attorney General of Texas.

The sole purpose of this resolution is to grant permission to the above named parties to sue the State of Texas, and nothing herein shall be construed as an admission against the State of Texas of any facts or the rights of either party in and to the above described land.

The resolution was read and was referred to the Committee on Civil Jurisprudence.

Senate Resolution 14

Senator Hudson offered the following resolution:

Providing for acceptance by the State of a Portrait of Lieutenant General Claude V. Birkhead.

Whereas, General Claude V. Birkhead, a distinguished citizen and soldier of Texas and a resident of San Antonio, Bexar County, Texas, has served the State of Texas and our nation faithfully and well for many years; and

Whereas, General Claude V. Birkhead enlisted in the Texas Military Forces on December 30, 1899, and continued to serve in the State and Federal Forces until retired on May 27, 1942, as a Major General, commanding the Thirty-Sixth Division; and

Whereas, General Birkhead was appointed in 1947 by the Governor of the State of Texas as Commanding General of the Texas State Guard Reserve Corps, and has given unstintingly of his time and talents, without remuneration, toward the accomplishment of this assignment, and

Whereas, On December 10, 1949, in San Antonio, Texas, there was presented by the Texas State Guard Association to the Adjutant General of Texas, representing the Governor of Texas, a portrait of Lieutenant General Claude V. Birkhead, and such portrait was accepted on behalf of the State of Texas; and

Whereas, On the morning of February 8, 1950, there will be present in the Governor's office, Lieutenant General Claude V. Birkhead, General Ernest O. Thompson, Commander of the Thirty-Sixth Division, the entire membership of the Governor's Advisory Committee to the Reserve Corps, whose members are distin-

guished soldiers and citizens of this State and Nation, and the Executive Committee of the Texas State Guard Association; now therefore be it

Resolved, By the Senate of the State of Texas, that this body invite the Governor and General Birkhead and the other distinguished personages present for the ceremony in the Governor's office, to hold the formal presentation and acceptance ceremonies of the portrait of Lieutenant General Claude V. Birkhead in the Senate Chamber on Wednesday morning, February 8, 1950, at 10:30 o'clock.

AIKIN
HUDSON

The resolution was read and was adopted.

Report of Standing Committee

By unanimous consent, Senator Lane submitted the following reports:

Austin, Texas
February 7, 1950

Hon. Grady Hazlewood, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred Senate Bill No. 1, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Vice-Chairman

Austin, Texas
February 7, 1950

Hon. Grady Hazlewood, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred Senate Bill No. 4, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass as amended and be printed.

LANE, Vice-Chairman

Senate Resolution 15

Senator Cousins offered the following resolution:

Whereas, By Senate Resolution No. 76 adopted by the Senate of the Fifty-first Legislature of the State of Texas at its Regular Session in 1949, a portrait of Mrs. Lipscomb Norvell was accepted on behalf of the State of Texas; and

Whereas, It is fitting and proper

that the Senate should provide for a formal acceptance of such portrait; and

Whereas, Mrs. W. B. Livesay, of the George Moffett Chapter of the Daughters of the American Revolution, has been authorized to present the portrait of Mrs. Norvell to the State; and

Whereas, It is fitting and proper that the Governor of Texas, Allan Shivers, accept the portrait on behalf of the State of Texas; now, therefore, be it

Resolved, By the Senate of Texas, that Mrs. Livesay be invited to address a session of the Senate at 11:00 a.m. o'clock on February 21, 1950, and to present the portrait of Mrs. Norvell to the Senate and that the Governor of Texas, Allan Shivers, be requested to accept the portrait on behalf of the State of Texas, and that a committee be appointed to arrange for such presentation.

The resolution was read and was adopted.

Senate Resolution 18

Senator Strauss, by unanimous consent, offered the following resolution:

Whereas, The laws of this State provide for the classification or grading of clover seed by the State Department of Agriculture, and

Whereas, Many farmers are complaining about the manner and method being used by the Department of Agriculture in grading and classifying clover seed, and

Whereas, Complaint is being made that seed is nearly always graded at a lower grade than its true and correct analysis would indicate, thereby reducing its value to farmer, and

Whereas, These people allege that they have purchased seed which has been labeled with the highest grade and forwarded it, under their own names, to the Department of Agriculture for grading and that Department has graded it at a much lower grade than its original label stated it to be, and

Whereas, if these allegations be true, the farmers of this State are being discriminated against by having their seed graded and classified incorrectly; now, therefore, be it

Resolved, By the Senate of Texas, That the general investigation committee of the Senate be required and

directed to investigate these claims and determine the true facts in connection therewith, and to make such recommendations as they deem necessary to correct any unfair practices existing.

The resolution was read and was adopted.

Senate Resolution 19

Senator Proffer offered the following resolution:

Whereas, The American Association of School Administrators, whose membership is made up of School Administrators from the forty-eight States and the territories of these United States, has only recently chosen Superintendent William Travis White, Superintendent of Schools, Dallas, Texas, as the President of said Association; and

Whereas, This outstanding Texan has brought honor and distinction to Texas and especially to the profession of the School Administrators in as much as it is the highest honor which could be paid a member of such profession by his colleagues; and

Whereas, This honor and distinction is fittingly shown our distinguished administrator of the Metropolitan Dallas school system in recognition of his accomplishments and his leadership qualities; now, therefore, be it

Resolved, By the members of the State Senate of Texas, that we extend our heartiest congratulations to Superintendent White in recognition of his being so honored and wish for him and his organization the best of success in his new position; and be it further

Resolved, That a copy of this resolution be sent to Superintendent White as our official recognition and our high esteem of him and his ability and accomplishments.

PROFFER
HARRIS

The resolution was read and was adopted.

Senate Concurrent Resolution 6

Senator McDonald, by unanimous consent, offered the following resolution:

S. C. R. No. 6, Granting Rosa Keefer permission to sue the State.

Whereas, It is alleged that on or about the 16th day of February, 1947, and on or about the 10th day of March,

1947, Rosa Keefer, a feme sole, was an inmate and patient at the Rusk State Hospital situated at Rusk, Texas, which hospital is the property of and belongs to and is under the present control of the State of Texas, and was on the dates aforesaid; and

Whereas, The said Rusk State Hospital is a State Agency whose governing authority is vested in a Superintendent; and

Whereas, On the dates aforesaid, Rosa Keefer, while an inmate and patient therein, was severely injured by three other inmates and patients, such injuries resulting from an assault perpetrated on her, the said Rosa Keefer, on the dates aforesaid by said three patients. That the injuries alleged to have occurred to her included a severe back and shoulder injury and damage to her head and eyes. That it is alleged that such injuries resulted on the part of negligence on the part of said Rusk State Hospital, in that its Superintendent, Agents and Employees knew, or should have known, by the exercise of reasonable diligence, that the said Rosa Keefer might be injured by said patients, and it is further alleged that she, the said Rosa Keefer, will not be able to sue for the said damages unless permission be granted to her by the Legislature to institute suit therefor; and

Whereas, The said Rosa Keefer is presently a single woman; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, That the said Rosa Keefer is hereby granted permission to bring suit against the State of Texas and the Rusk State Hospital of Rusk, Texas, either or both of them, in any court of competent jurisdiction in Smith County, Texas, in order to determine what liability, if any, and what damages, if any, she is entitled to receive by reason of such occurrences; and in such suit she is hereby authorized to have service of citation, or any other necessary process, issued and served upon the Superintendent of the Rusk State Hospital, Rusk, Texas, and also upon the Attorney General of Texas, and that the same shall have the same force and effect as made and provided in civil cases.

It is specifically understood that the purpose of this resolution is to grant permission to the said Rosa Keefer to bring suit, and that these presents shall not constitute an admission of liability, in whole or in part, of the said claim, and that all of the facts as set out herein must be proved in court; and be it further

Resolved, That suit may be instituted upon said claim at any time within two years from and after the date of the passage and approval of this resolution.

The resolution was read and was referred to the Committee on Civil Jurisprudence.

Recess

Senator Morris moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

Senator Kelly of Tarrant moved that the Senate adjourn until 10:15 o'clock a.m. tomorrow.

Question first recurring on the motion of Senator Kelly of Tarrant, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—4

Bracewell	Cousins
Bullock	Kelly of Tarrant

Nays—24

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Colson	Moore
Corbin	Morris
Harris	Nokes
Hazlewood	Proffer
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Tynan
Lane	Vick
Lock	Weinert

Absent—Excused

Carney	Phillips
Hardeman	

Question then recurring on the motion of Senator Morris, it prevailed.

The Senate accordingly at 11:35 o'clock a.m., took recess until 10:00 o'clock a.m. tomorrow.

In Memory of

Dr. Edward McShane Waits

(Senate Resolution 11)

Senator Ashley offered the following resolution:

Whereas, An All Wise Providence saw fit to call from this life on Monday, December 26, 1949, Dr. Edward McShane Waits, renowned Educator, Minister and Scholar, who served twenty-five years as President of Texas Christian University, at Fort Worth, Texas, from 1916 to 1941; and

Whereas, During his administration, Texas Christian University grew from a small prairie school with Three Hundred and Sixty Students to one of the outstanding educational institutions of the South, with more than Two Thousand enrollment; and

Whereas, Dr. Waits attained signal honors, not only in the field of Christian education, but in the world of civic affairs, being named by the Fort Worth Exchange Club as "Fort Worth's Most Outstanding Citizen of 1937"; and

Whereas, "Prexy", as Dr. Waits was affectionally known, will live forever in the hearts of those thousands of students and friends who were inspired by his love and example; and

Whereas, The State of Texas has suffered a great loss in the passing of this noble man. Therefore, be it

Resolved, That the Senate of the State of Texas pay tribute to the memory of Dr. Edward McShane Waits and extend to his family its sincerest sympathy, and that a page of the Senate Journal of today be dedicated to his memory.

ASHLEY
KELLY of Tarrant

Signed—Grady Hazlewood, President pro tempore, Aikin, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Cousins, Hardeman, Harris, Hudson, Jones, Kelley of Hidalgo, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Nokes, Phillips, Proffer, Shofner Strauss, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Ashley, the names of the President pro tempore and of all the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

In Memory of

Arno Wagener

(Senate Resolution 16)

Senator Strauss offered the following resolution:

Whereas, God in His Infinite Wisdom has called from his earthly labors Arno Wagener of Shiner, Lavaca County, Texas; and

Whereas, Mr. Wagener was born in Austin County on March 5, 1884 and had resided in Lavaca County for the past 57 years; and

Whereas, He was a member of the Methodist Church, the Masonic Lodge, The Knights of Pythias, The Hermann Sons Lodge, Eastern Star, Rotary Club, The Shiner City Council and had served as a member of the school board; and

Whereas, He is survived by his widow Mrs. Elise Wolters Wagener of Shiner; his son, Glenn H. Wagener of Houston; two brothers, Erwin Wagener of Shiner and Kenny Wagener of Dallas; one sister, Mrs. Lydia Kirkland of Victoria; one half sister, Mrs. Mary Tomasco, and his stepmother Mrs. Chris Wagener of Shiner. Now, therefore, be it

Resolved, By the Senate of Texas, that we extend our most sincere sympathy to the family of Arno Wagener and that we recognize the great loss suffered by our State because of the passing of this outstanding citizen; be it further

Resolved, That a copy of this resolution be printed in the Journal, that a copy be forwarded to each member of the family and that when the Senate adjourns today it do so in memory of Arno Wagener.

The resolution was read and was adopted.

In Memory of
William J. Bailey

(Senate Resolution 17)

Senator Kelly of Tarrant offered the following resolution:

Whereas, On Thursday, the 13th day of October, 1949, our Almighty God called from his earthly existence William J. Bailey, of Fort Worth, former State Senator and former Assistant Attorney General of the State of Texas; and

Whereas, Senator Bailey was a pioneer real estate developer who resided in Tarrant County for 67 years, and was active in the residential, industrial and business development of Fort Worth, Tarrant County, Texas, for almost seven decades; and

Whereas, He was a man of firm convictions and participated in public affairs, adequately fulfilling his responsibilities to his city and state; and

Whereas, He is survived by his wife, Susa Carpenter Bailey, two daughters, Mrs. Sanny Sue McCleary of Fort Worth, and Mrs. Williamette Cook of Houston; one son, John T. Bailey of Fort Worth, and five grandchildren; and

Whereas, It is the desire of the Senate of Texas to recognize and pay tribute to the useful life of this man and to express sympathy to his family; now, therefore, be it

Resolved, That we express to the members of the family of the deceased our sincere sympathy and regret upon the passing of William J. Bailey; that a page in the Senate Journal be set aside in his memory, and that the Secretary of the Senate be directed to send a copy of this resolution to each surviving member of the family; and that when the Senate stands adjourned today, it do so in respect to the memory of William J. Bailey.

KELLY of Tarrant

Signed—Grady Hazlewood, President pro tempore, Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Cousins, Hardeman, Harris, Hudson, Jones, Kelley of Hidalgo, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Nokes, Phillips, Proffer, Shofner, Strauss, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Ashley, the names of the President pro tempore and of all the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

In Memory of
Mrs. Susie Peale Butler

(Senate Concurrent Resolution 5)

Senator Colson offered the following resolution:

S. C. R. No. 5, In memory of Mrs. Susie P. Butler.

Whereas, The State of Texas lost one of its most distinguished and beloved citizens when the illustrious career of Mrs. Susie Peale Butler of Austin, Texas, was closed by her death on November 9, 1949; and

Whereas, Mrs. Butler was born at Dunbarton Plantation in Concordia Parish, Louisiana, on December 7, 1878, and moved to Bryan, Texas, in 1902; and

Whereas, She was the wife of Dr. George B. Butler who was pastor of the Baptist Churches in Bryan, Austin and other Texas cities; and

Whereas, After the death of her husband in 1918, Mrs. Butler served as Dean of Women at San Marcos Baptist Academy, Dean of Women at Louisiana College, Pineville, Louisiana; Assistant Dean of Women at Baylor College, Belton, Texas, and since 1935 was Superintendent of the State Confederate Woman's Home, which position she filled at the time of her untimely death and burial in the State Cemetery in Austin; and

Whereas, Mrs. Butler is survived by a son, The Honorable George B. Butler of Austin, Chairman of the Board of Insurance Commissioners of the State of Texas and former member of the Texas Legislature; a daughter, Mrs. Richard Monroe Hamberlin, Monroe, Louisiana; and one grandson, Richard Monroe Hamberlin, Jr.; and

Whereas, Mrs. Butler was long prominent as a leader in church, civic, and political circles, and true to her fidelity to Southern ideals and traditions, she was an active member of the United Daughters of the Confederacy; and

Whereas, Mrs. Butler was a devoted wife and mother and was friendly and generous in her consideration for others; and

Whereas, The State of Texas has sustained an irreparable loss in the passing of this good and noble woman who filled all the years allotted her with devoted service to her State, her family and her friends; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that we extend our sincere and heartfelt sympathy to her bereaved family; that we acknowledge her passing by directing that a copy of this resolution be spread upon the pages of the Journal as an expression of our respect; that enrolled copies of this resolution be sent to the members of her family; and that when the Senate adjourns today, it do so in solemn tribute to Mrs. Susie Peale Butler whose life and works will live long in the memory of this State and in the memory of her multitude of friends.

COLSON

Signed—Grady Hazlewood, President pro tempore, Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Corbin, Cousins, Hardeman, Harris, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Nokes, Phillips, Proffer, Shofner, Strauss, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Moore, the names of the President pro tempore and of all the Senators were added to the resolution as signers hereof.

The resolution was adopted by a rising vote of the Senate.

TEXAS STATE LIBRARY
Austin, Texas